



Appeal Decision

Site visit made on 4 May 2023

by **S M Watson BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 May 2023

Appeal Ref: APP/Z4310/W/22/3310844

35 Rodney Street, Liverpool, L1 9EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Berridge-James and Mrs E James against the decision of Liverpool City Council.
 - The application Ref 21F/1751, dated 17 June 2021, was refused by notice dated 5 October 2022.
 - The development was originally proposed as: "The erection of a one and a half storey building consisting of three garages at ground level with a two-bedroom apartment above. At lower ground level there is to be a gym and a swimming pool plant room. Within the garden is to be a 10x5m open air swimming pool. The building is to be constructed from traditional facing brickwork with a slate tiled roof with lead clad flat roof dormers. Windows are to be formed from polyester powder coated aluminium with double glazed units."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description on the application form no longer reflects the current proposal as the application was amended. The original description is therefore now inaccurate and the appellants do not claim otherwise.
3. The development described on the decision notice is: *"to erect a part two/part three storey building fronting Pilgrim Street consisting of basement utility room, two garages and entrance hallway at ground floor level with an attic room above, external rear staircase and an open air swimming pool within the rear yard area."* The appellants do not know if the Council's new description was agreed. The appellants have suggested that a better description would be a *"1.5 storey structure facing Pilgrim Street, but 2.5 storeys at the rear, reflecting the substantial difference in levels between Pilgrim Street and the internals of the site."*
4. As there would be accommodation in the roof space, the number of storeys could be described either way. Neither the Council's nor the appellants' description is wrong and I have proceeded on the basis of the amended plans.
5. The proposal is in a conservation area and relates to a listed building so I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

6. The main issues are (i) the effect of the proposed building upon designated heritage assets and (ii) the effect of the proposed development upon the living conditions of the occupiers of 16 Pilgrim Street.

Reasons

Heritage

7. The site is within the curtilage of 35 Rodney Street, a Grade II listed building which is in the Rodney Street Conservation Area (RSCA).
8. The area around Rodney Street was laid out on the eastern edge of the expanding city in the late 18th century by William Roscoe and others, in streets with a width and straightness unprecedented in Liverpool. The RSCA is characterised by large terraced Georgian houses which are mostly four storey, including basements. They were originally occupied by the merchant class wishing to move away from the increasingly congested conditions of the city centre. The scale and style of the buildings in the area is remarkably constant and the RSCA is notable for having long, late-Georgian style brick terraces with restrained neo-Classical detailing and slate roofs. In particular, the consistent proportions of window openings and the use of string courses, cornices, cast iron railings and balconies has produced a strong sense of uniformity. The RSCA contains numerous listed buildings.
9. Pilgrim Street is historically the 'back street' to properties fronting Rodney Street. It retains this 'back street' character and its western side is characterised by a mixture of rear boundary walls providing direct access to the rear of the Rodney Street properties; single-storey garages and some ancillary historic two storey structures. There are some conversions which date from the 1980s on Pilgrim Street which do not retain a traditional appearance.
10. Number 35 Rodney Street is a Grade II Listed Building. It is believed to be the first house to be completed in the street in 1783-4. It is constructed of brick with stone dressings and a slate roof. It has 5 bays and is 3 storeys high plus a basement and attic. The windows have wedge lintels and are sashed. There is a central round-arched entrance with a 4-panelled door and a Doric doorcase containing an entablature with a frieze. A central first floor window above the door has an architrave with a reeded frieze and a cornice above. It has a top pediment with a roundel. There are plain iron area railings to the front. The owner at the time, William Roscoe, an abolitionist and poet, was granted a licence to open quarries in the area to provide materials for construction.
11. Number 37 Rodney Street also dates from the late 18th century. It is brick with stone dressings and a slate roof. It has 3 bays and is 3 storeys plus a basement. The windows have wedge lintels and are sashed. There is a cornice at the top of the building. It has a round-headed entrance with a Doric doorcase. There are plain iron area railings to the front.
12. Number 39 Rodney Street dates from the late 18th century. It is brick with stone dressings and a slate roof. It has 4 bays and is 3 storeys plus a basement. The windows have wedge lintels and are sashed. The third bay has a round headed entrance with a Doric doorcase with a six-panel door. There are plain iron area railings to the front.

13. The significance of the buildings are their architectural detailing and their age. They have strong aesthetic value as elegantly proportioned and detailed Georgian townhouses. They have evidential and historic value as a manifestation of the rapid expansion of Georgian Liverpool. They help to describe the importance of the merchant class as Liverpool grew to be one of the most important global ports following the construction of the Old Dock of 1715, and the advancement of suburbs to accommodate the professional classes. They have communal value which is provided through the collection of buildings, including others on Rodney Street, as a recognisable and distinctive assemblage. No 35 also has association with the local notable person, William Roscoe.
14. There is no dispute that the most elegant and architecturally detailed parts of these buildings is their front elevations. The rear elevations are more modest and less uniform. Their setting at the front is Rodney Street with its wide road and Georgian terraces on both sides. The setting to their rear consists of deep plots of private space and the narrow, cobbled Pilgrim Street. Views of the rear of these properties are also seen from Hope Place opposite the site.
15. The 1.5 storey front of the proposed building would fill the width of the plot and obscure much of the rear elevation of No 35 from view. It would thereby overly diminish its presence and stature, in particular from the longer-range view from Hope Place. The obscuring effect would be somewhat less upon Nos 37 and 39 but there would be some impact.
16. Furthermore, it would have an enclosing effect on No 35 when experiencing the building from its rear garden and from within the house itself. I note the appellants' comments that the proposed building would be of a simple design to reflect a functional ancillary building. However, historic maps show that 35 Rodney Street did not historically have a coach house or any other similar structure to the rear. Moreover, its scale would be greater than that of a coach house so it would not read as being historically ancillary to No 35. It would appear as a modern stand alone building, the impression of which would be exacerbated by the roof-form consisting of a central gable and two wings, which is not consistent with any other historic building on Pilgrim Street.
17. Furthermore, the plot boundaries in the RSCA along Pilgrim Street consist of structures of a mixture of heights. Some boundaries are just a wall or a simple single storey structure. I consider that the Council's concerns in respect of setting a precedent for new buildings along this street are valid. To allow a building of this scale on the boundary would make it difficult to resist other similar proposals, which could lead to an irreversible erosion of the historic form and status of the back street.
18. I appreciate that the current lack of boundary treatment was never intended. I also understand that there used to be a garage and gates on the site which dated from the latter half of the 20th century. However, they no longer exist and therefore do not provide any fallback position. In any event, the garage and gates were smaller and less imposing structures than the proposed building would be.
19. The area surrounding the site of the demolished garage is unattractive, due to its remaining hardstanding and unkempt state. Nevertheless, the proposed building would not provide an acceptable solution to screen the rear garden

and remedy the gap as it would be a permanent structure with a more negative impact upon the heritage assets for the reasons described above.

20. Due to its proposed siting, height and scale, the building would detract from the setting of the listed buildings and would harm their significance. I consider that the harm to the significance of the listed buildings to be less than substantial and, in the language of the Framework, on the lower end of the scale of less than substantial harm. Nevertheless, this harmful impact is a matter of considerable importance and weight.
21. As the proposal would harm the significance of the listed buildings and because it would be uncharacteristic of the historic layout and form of Pilgrim Street, I also find that the proposal would neither preserve nor enhance the character or appearance of the RSCA. I consider the harm to the significance of the conservation area to be less than substantial and towards the lower end of the scale of less than substantial harm.
22. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The Framework advises that less than substantial harm must be weighed against the public benefits of the scheme. However, no public benefits, sufficient to outweigh the harm have been advanced.
23. I conclude that the proposal would harm the significance of Nos 35, 37 and 39 Rodney Street and the RSCA. Therefore, it would conflict with Policies HD1, UD1 and UD2 of the Liverpool Local Plan 2013-2033. In combination, these policies seek to protect the character and appearance of the area and the historic environment.

Living Conditions

24. The side elevation of the proposed building would be adjacent to the side boundary with No 16. There are kitchen and living room windows in the ground floor elevation of No 16 facing the side boundary of the appeal site. Whilst the side boundary is marked by a wall and some trellis, the proposed building would project significantly above this existing structure. As No 16 is to the south of the appeal site, and because the proposed building would be a short distance from the existing windows, the proposed building would have an unacceptable effect upon the amount of sunlight to these rooms. The proximity and height of the proposed building would also form an overbearing and enclosing feature within the outlook from the living room. These effects are not mitigated by the site being within an urban area.
25. I therefore conclude that the proposal would harm the living conditions of the occupiers of 16 Pilgrim Street. It would, therefore, be contrary to Liverpool Local Plan Policy UD2 which seeks to protect residential amenity in respect of outlook and light.

Conclusion

26. For the above reasons, the appeal is dismissed.

S Watson

Inspector